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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/785,589	02/23/2004	Anthony D. McGettigan	OC0409US	3227
27975	7590	08/05/2005	EXAMINER	
ALLEN, DYER, DOPPELT, MILBRATH & GILCHRIST P.A. 1401 CITRUS CENTER 255 SOUTH ORANGE AVENUE P.O. BOX 3791 ORLANDO, FL 32802-3791			PRITCHETT, JOSHUA L	
			ART UNIT	PAPER NUMBER
			2872	

DATE MAILED: 08/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

Office Action Summary

Application No.

10/785,589

Applicant(s)

MCGETTIGAN ET AL.

Examiner

Joshua L. Pritchett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/04</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1, 2, 4, 5, 11, 12, 14, 15 and 17-20 are rejected under 35 U.S.C. 102(a) as being anticipated by Seiberle (“Photo Aligned Anisotropic Optical Thin Films”).

Regarding claim 1, Seiberle discloses an anti-aliasing filter comprising a substrate; a first DRP of the anti-aliasing filter having at least a first LPP layer connected to the substrate and a first LCP layer disposed on the first LPP layer, the first DRP having a thickness selected so as to provide a selected separation of ordinary and extraordinary light rays (Fig. 5).

Regarding claim 2, Seiberle discloses the first LPP layer is disposed on the substrate (Fig. 5).

Regarding claim 4, Seiberle discloses a second LCP layer disposed on the first LCP layer (page 1163 col. 1).

Regarding claim 5, Seiberle discloses the first LPP layer has a selected orientation and the second LCP layer has the selected orientation (Fig. 9).

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Regarding claim 11, Seiberle discloses a retarder plate disposed on the first DRP and a second DRP disposed on the retarder plate (Fig. 9; page 1163 col. 1).

Regarding claim 12, Seiberle discloses the retarder plate and the second DRP are selected so as to provide a two-dimensional anti-aliasing filter for at least one color of light (Fig. 6).

Regarding claim 14, Seiberle discloses the retarder plate includes a plurality of quarter-wave retarder plates (page 1162 col. 2).

Regarding claim 15, Seiberle discloses the first DRP, the retarder plate, and the second DRP are all made from an LPP material and a LCP material (Fig. 9).

Regarding claim 17, Seiberle discloses the substrate is infrared blocking color claims (page 1165 col. 1). Seiberle states the substrate is quartz which is known as an IR blocker.

Regarding claims 18 and 19, Seiberle discloses an infrared blocking filter (Fig. 4).

Regarding claim 20, Seiberle discloses a package and a photodetector array disposed within the package, the anti-aliasing filter being disposed on the package (Figs. 3, 4, 6 and 7). A package that includes a photodetector array would be inherent in order to obtain the data displayed in Figs. 3, 4, 6 and 7.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 10, 13 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seiberle ("Photo Aligned Anisotropic Optical Thin Films").

Regarding claims 3 and 10, Seiberle teaches the invention as claimed but lack reference to an intervening layer or an adhesive. It is extremely well known in the art to use an adhesive layer to attach layers to a substrate. Official Notice is taken. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the Seiberle invention include an adhesive layer as is known in the art for the purpose of better adhesion between the LPP and substrate and reduced internal stress.

Regarding claims 13 and 16, Seiberle teaches the invention as claimed and suggests that the materials used for the LPP and LCP in the anti-aliasing filter can be chosen to provide any desired results (page 1164 col. 2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the Seiberle invention include materials to provide the claimed function as suggested by Seiberle for the purpose of providing a different filtering function for different wavelengths.

Claims 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seiberle ("Photo Aligned Anisotropic Optical Thin Films") in view of Daishinku Corp ("Optical Low Pass Filters").

Seiberle teaches the invention as claimed but lacks reference to the use of the claimed thickness and the use of an antireflective filter. Daishinku Corp teaches the use of a thickness

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between about 10 and about 150 microns (page 3 specifications) and a first and second anti-reflective filter placed on first and second surfaces of the anti-aliasing filter (page 3 example of products). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the Seiberle invention include the thickness and antireflective filters of Daishinku Corp for the purpose of precisely filtering the incident wavelengths while not reflecting incident light beam.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua L. Pritchett whose telephone number is 571-272-2318. The examiner can normally be reached on Monday - Friday 7:00 - 3:30.

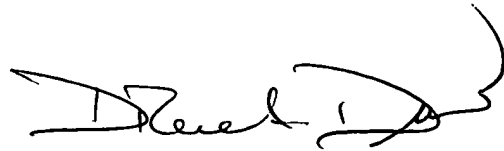
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew A. Dunn can be reached on 571-272-2312. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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JLP



DREW A. DUNN
SUPERVISORY PATENT EXAMINER